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FEATURED

With DEQ permit in hand, Rick Tabish one step closer to slag plant reality

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Rick Tabish's proposed slag processing plant is slated to be built on this site east of Anaconda, along Mill Creek Road.

Meagan Thompson, The Montana Standard

Rick Tabish, front man for the long-proposed slag processing plant outside Anaconda, has overcome one hurdle on the road to building a facility that, if it happens, will process old waste into salable new products.

Tabish is the front man of Premier Industries, which expects to convert the mountain of black slag along Montana Highway 1 into proppant, a tool for fracking, as well as pig iron for industrial use. The Department of Environmental Quality issued an air quality permit to Tabish's contracting company, FX Solutions, earlier this month. The permit does come with some caveats.

The company can process 30,420 tons of slag in a 12-month period. There are a variety of other regulations, such as that FX Solutions must control the dust on haul roads and keep meticulous records. There are also requirements about the minute sizes of particulates allowed into the air from emissions.

Matt Vincent, a consultant to Tabish, said the conditions are "pretty standard," and called getting the permit "a big milestone."

Vincent said it was too early to tell whether Tabish will start building the plant this summer. DEQ has a waiting period to allow appeal of the permit until Feb. 19. In addition, Tabish hasn't cleared every hurdle yet.

NorthWestern Energy is still investigating costs and timeline factors on getting power to the Mill Creek site in the shadow of the defunct smelter stack, said Brandy Powers, NorthWestern Energy spokesperson. It's possible that Tabish will have to build a substation at the site to handle the amount of electricity he will need. He commissioned a study last year from NorthWestern Energy to determine what those needs would be. NorthWestern Energy completed that study and is now working on a second one to drill into greater detail, Powers said.

Tabish had originally promised 700 jobs to locals once the slag plant is up and running. More recently, he said some support roles might be located in North Dakota to help handle and sell the proppant to the fracking industry in the Bakken. He also said the 700-job number would be down the road, and initially, he would not likely hire that many.

While Tabish has something to celebrate, Anaconda-Deer Lodge County got notice of a lawsuit last week connected to Tabish's plans.

Anaconda resident John Fitzpatrick has long been a critic of Tabish's intention to build the plant on Mill Creek Highway. Fitzpatrick submitted a Freedom of Information Act request with the county in December to seek information about Premier Industries' reclamation plan or bond.

Fitzpatrick wants to know what Premier's reclamation plan with the county is when he closes the plant, or if Premier had to pay a bond to the county for site cleanup after plant closure. The company is leasing 93 acres in the area where families were relocated in the late 1980s because of arsenic exposure to children. Tabish pays the county \$100 a year for the lease.

Tabish did some excavation a couple of years ago on the site in preparation for the slag processing plant to be built.

Chas Ariss, Anaconda-Deer Lodge County planning and public works director, said by email that he could not comment due to the litigation. But Ben Krakowka, county attorney, said the county "gave him everything we've got."

Fitzpatrick says the reason he sought information about Premier's cleanup plans from Anaconda-Deer Lodge County in Dec. is because he's worried that Tabish removed a cap from a contaminated site. Fitzpatrick says that what lies below is exposed to wind in warmer months and much of Anaconda has a "waste in place" remedy, meaning the toxic metals have not been removed but capped with clean soil on top.

"We don't know what's under that cap," Fitzpatrick said.

But, the Environmental Protection Agency says the soil where Tabish dug is safe. The topsoil is not a cap, says EPA.

"The only contaminated soil remaining at the Premier site is consolidated into a berm that runs along the perimeter of the property. This berm was covered with clean soil," Chris Wardell, EPA community involvement coordinator, said by email.

Wardell also said the cover does not need to be replaced and that the site meets

criteria for commercial and industrial use of the property.

Fitzpatrick says he hasn't seen the documents to prove what EPA says is true. The Washoe Smelter frosted the land for decades with sulfur and heavy metals, including arsenic and lead. Fitzpatrick says that part of his request for information included an inquiry for sampling results of the soil.

"They (the county) never sent any," he said.

Vincent said he could not comment on the pending litigation but he did say Tabish and his consultants have worked "hand in hand" with Anaconda-Deer Lodge County staff to meet all requirements at the site.

Whether Tabish will proceed under the name Premier Industries is unclear. He indicated late last year he may change the name.

So far, the company is still called Premier Industries and is a company "in good standing" with the Secretary of State's office, but the company does not appear to have filed yet for 2019.

DEQ's permit is for FX Solutions, which is the name of Tabish's general contracting company.

Premier's lease agreement with the county expired at the end of last year. Terry Vermeire, county commission chair, said at the time that the commission wouldn't be able to take that up until after the new year. A call to Vermeire was not returned and numerous attempts to reach Bill Everett, county chief executive, were not returned.

But according to the commission's minutes since mid-December, the council has not taken up the lease agreement's expiration.

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